

DECLARATION OF TAMMIE TSANG

I, Tammie Tsang, do hereby declare and say:

1. I am employed by the United States Department of Homeland Security ("DHS"), U.S. Citizenship and Immigration Services ("USCIS"), formerly known as the Immigration and Naturalization Service ("INS"). I am employed as a District Adjudication Officer at the San Francisco District San Jose Sub-Office. I have been employed by the Department of Homeland Security (formerly Department of Justice), USCIS since June 17, 2001. During that time I have worked on naturalization, child citizenship, adjustment of status, legalization, orphan adoption, and replacement permanent resident card applications.
2. I make this declaration based upon my personal knowledge and information made known to me in the course of my professional duties, responsibilities and direct adjudication on this case.
3. Attorney Sin Yen Ling, on behalf of applicant Yuttasak Simma (A41 922 247), filed the Form N-600, Application for Yuttasak Simma, on June 13, 2007 with the San Francisco District Office. On August 1, 2007, the applicant's mother and attorney appeared for an interview in the San Jose Field Office location. Applicant did not appear as he is currently in ICE custody.
4. The mother was examined regarding her relationship with the applicant and the evidence used to support the application regarding the applicant's derivative citizenship claim. The evidence included the mother's naturalization certificate, the death certificate of the biological father with English translation, the

applicant's late registered Thai birth certificate's certified English translation, the mother's Thai passport, and a few affidavits regarding the biological father's death certificate. The Thai birth certificate's certified English translation indicated the original birth certificate was registered about fifteen years after the applicant's birth, about the time when the mother began the process to immigrate the applicant. According to the mother's testimony, the applicant did not have any birth certificates prior. The copy of the birth certificate was not certified in accordance with 8 C.F.R. § 1287.6(b). The applicant's father's name is translated with different spellings on the birth certificate and the death certificate.

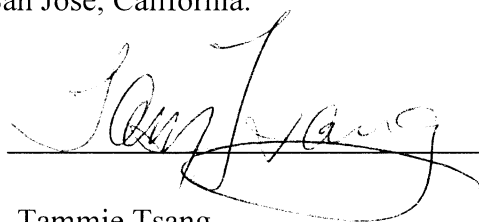
5. A sworn statement of the mother was taken at the interview about the particulars of the applicant's eligibility. This statement uncovered many errors and inconsistencies regarding the late registered birth certificate, which ultimately established that the certificate may not be valid and brings the mother's credibility into question.
6. Based upon the sworn statement, a Request for Evidence (RFE) was provided to the applicant's mother and attorney requesting that the mother provide USCIS with a DNA/blood test and Thai family register document with an English translation. This evidence is due back to USCIS by August 31, 2007.
7. Following the interview, USCIS initiated its own investigation into the provided documents and statements provided. A SIR request was sent by USCIS to the US consulate in Bangkok, Thailand to inquire into the legitimation laws of Thailand. The USCIS District Director for Bangkok, Thailand has submitted a request to the

court of Thailand to determine whether the paternity of the applicant has been established by legitimation.

8. Furthermore, subsequent to the interview, USCIS reviewed the applicant's alleged birthdate against the perpetual calendar and discovered there is a mismatch between the evidence provided and what is the correct date. The birth certificate provided shows that the applicant was born on a Tuesday; however, the perpetual calendar shows that actual day was in fact a Friday. As such, the date of birth of the applicant is questionable.
9. Once USCIS receives the requested documentation as well as the results of the DNA/blood test, we will be able to complete the adjudication of the application as quickly as possible.
10. The general processing time for an N-600 application in the San Jose office is approximately eight months. Due to the fact that this person is in ICE custody, USCIS has agreed with ICE to expeditiously process this application.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 21st day of August, 2007 at San Jose, California.

A handwritten signature in black ink, appearing to read 'Tammie Tsang', is written over a horizontal line.

Tammie Tsang
District Adjudications Officer
San Jose, CA